

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

114

CWP-1513-2023 (O&M)

Date of Decision: 08.02.2023

RAJENDER

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in the petition is for issuance of directions to the respondents not to relieve/replace the petitioner till the regular appointments are made or work-load is available in the Department concerned and to quash the letters dated 09.09.2022 and 20.12.2022.

Learned counsel for the petitioner submits that the petitioner has been working as Mali, on contract basis, under Out-Sourcing Policy, Part-II, since April, 2013 and that post introduction of Haryana Kaushal Rozgar Nigam (HKRN) Policy, the Department concerned is in the process of terminating his services. He further submits that the petitioner has not given any option to port to HKRN; that, post introduction of HKRN Policy, the petitioner apprehends that his services will be terminated by the respondent-Department and that the petitioner has no objection on their relieving, in case regular appointments are made.

In support of his contentions, learned counsel for the

petitioner relies upon the order dated 25.01.2023 passed by this Court in CWP-30397-2022 titled as Seema Rani and others vs State of Haryana and others.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of the respondents-State. He submits that vide letter dated 30.12.2022 issued by Haryana Government, Human Resources Department, the following decision has been taken:-

'2. Now the matter has been re-considered and the following decisions have been taken:-

(i) The employees engaged under Outsourcing Policy, Part-II and working on Group-C and Group-D posts may be offered the option of being ported to HKRN. A time of three months is given to exercise the option.

(ii) The extension in the engagement of employees appointed under Outsourcing Policy, Part-II is given for a period of one year for those who do not accept the option of being ported to HKRN or who are working on Group A or Group B posts or under any law enacted by the State.

3. It is further clarified that services of employees mentioned at 2(ii) above appointed under Outsourcing Policy, Part-II will be the first to be terminated in case regular appointment is made on such posts.'

4. These instructions may please be brought to the notice of all concerned for strict compliance'.

Learned State counsel thus submits that once a conscious

decision has been taken upon the grievance of the petitioner, the present petition does not survive.

At this stage, learned counsel for the petitioner submits that it is a settled law that the principle of '*last come first go*' should be followed by the Department, in case the employee is sought to be terminated on the basis of regular appointments, if any.

I have heard the learned counsel for the parties.

As noticed above, the Department vide communication dated 30.12.2022 has categorically clarified that services of employees appointed under Outsourcing Policy, Part-II will be the first to be terminated, in case regular appointments are made on such posts. Thus, it appears that the grievance of the petitioner in the present petition stands redressed, at this stage.

In case, the services of the petitioner is sought to be terminated in future, the principle of last come first go, should be taken care of by the Department concerned.

However, it is made clear that the petitioners shall continue to work to the best of their ability and efficiency and to the satisfaction of the Department concerned.

Disposed of in the above terms.

08.02.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*